

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT ODELL DAVIS,)	
)	Civil Action No. 2: 13-cv-01679
Petitioner,)	
)	District Judge Mark R. Hornak
v.)	
)	Magistrate Judge Cynthia Reed Eddy
DEPT OF CORRECTIONS AT)	
SCI SMITHFIELD, et al)	
)	
Respondents.)	
)	

MEMORANDUM ORDER

On November 25, 2013, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on January 22, 2014 (ECF No. 4) recommending that the Petition for Writ of Habeas Corpus be transferred to the United States District Court for the Eastern District of Pennsylvania because that is the District wherein the state court conviction of Robert Odell Davis ("Petitioner") was obtained. As such, the Eastern District of Pennsylvania is the proper venue for litigation of the underlying allegations of the Petitioner.

Petitioner was served with the Report and Recommendation at his listed address and was advised that he had until February 10, 2014 to file written objections to the Report and

Recommendation. To date, no objections have been filed nor has Petitioner sought an extension of time in which to file any objections.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

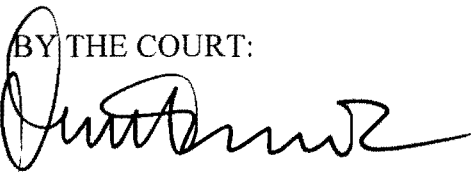
AND NOW, this 21ST day of February, 2014:

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus be **TRANSFERRED forthwith** to the United States District Court for the Eastern District of Pennsylvania, the situs of Petitioner's state court criminal trial.

IT IS FURTHER ORDERED that ruling on Petitioner's Motion for Leave to Proceed in forma pauperis is left to the discretion of the transferee court.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 4) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

BY THE COURT:


Mark R. Hornak
United States District Judge

cc: ROBERT ODELL DAVIS
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SCI Smithfield
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